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***Lead Defense Counsel for Personal***  
***Injury/Wrongful Death Cases***

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

IN RE: TOYOTA MOTOR CORP.  
UNINTENDED ACCELERATION  
MARKETING, SALES PRACTICES, AND  
PRODUCTS LIABILITY LITIGATION

Case No.: 8:10ML2151 JVS (FMOx)

STIPULATED INTERIM  
PROTECTIVE ORDER RE  
PERSONALLY IDENTIFIABLE  
INFORMATION

This document relates to:

ALL CASES

The Court has ordered that the Toyota defendants produce certain documents which are discoverable under the Federal Rules of Civil Procedure that have been produced to the United States Congress, the National Highway Safety Administration (“NHTSA”) and the State Attorneys General. Such order did not alter the scope of documents that ultimately may be discoverable, nor did it limit objections to production on the basis that a document is not relevant or is shielded by any applicable privilege, including but not limited to the attorney-client privilege and/or the work product doctrine.

There was no detailed discussion about the redaction of personally identifiable information at the Court’s May 28, 2010 hearing, and it was not specifically addressed in the Court’s Order No. 3. Certain documents containing personally identifiable information were produced to the United States Congress and the State Attorneys General with such information redacted. The documents produced to the NHTSA were not redacted. By statute, the NHTSA must not disclose such personally identifiable information. See 5 U.S.C. § 552A.

The redacted documents produced to the United States Congress and the State Attorneys General will be produced pursuant to the Court’s order as they were produced to those entities. Production to plaintiffs of documents containing personally identifiable information which were produced to the United States Congress, the State Attorneys General, and the NHTSA without the personally

1 identifiable information being redacted may be a violation of the individuals' rights of  
2 privacy and a violation of domestic and foreign law with respect to any U.S. and  
3 foreign personally identifiable information, including but not limited to, Directive  
4 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the  
5 Protection of Individuals with Regard to the Processing of Personal Data and on the  
6 Free Movement of Such Data, 1995 O.J. (L281/31); Personal Information Protection  
7 and Electronic Documents Act (PIPEDA), S.C. 2000, c. 5 (Can.) and The Personal  
8 Information Protection Act (Law No. 57 of 2003) (Japan).

9 IT IS HEREBY STIPULATED that documents produced pursuant to the  
10 Court's Order No. 3 by the Toyota defendants containing personally identifiable  
11 information shall only be produced to Plaintiffs' co-lead counsel and members of the  
12 Personal Injury/Wrongful Death and Economic Loss Class Action committees  
13 identified as follows: Mark P. Robinson, Jr., Elizabeth J. Cabraser, Lewis S. Eidson,  
14 W. Mark Lanier, Richard D. McCune, W. Daniel "Dee" Miles, Brian Panish, Hunter  
15 J. Shkolnik, Donald H. Slavik, Steven W. Berman, Frank M. Pitre, Marc M. Seltzer,  
16 Richard J. Arsenault, Benjamin L. Bailey, Stanley M. Chesley, Jayne Conroy,  
17 Michael Louis Kelly, and Jerome L. Ringler (hereafter "Plaintiffs' Counsel");

18 IT IS FURTHER STIPULATED that the documents produced pursuant  
19 to the Court's Order No. 3 containing personally identifiable information, or any of  
20 the information contained therein, shall not be shared or provided to any other persons  
21 outside of the above listed individuals, and attorneys and staff working for said  
22 individuals, and such documents will be identified by the legend, "PII Restricted  
23 Access" or other equivalent legend indicating the document(s) contains personally  
24 identifiable information;

25 IT IS FURTHER STIPULATED that the documents produced pursuant  
26 to the Court's Order No. 3 containing personally identifiable information, or any of  
27 the information contained therein, shall not be used or disclosed by Plaintiffs' Counsel  
28 for any purpose other than this action and the limited purposes set forth in this  
Stipulated Interim Protective Order. Further, Plaintiffs' Counsel are ordered to either

1 return produced documents to the Toyota Defendants or to destroy the produced  
2 documents immediately upon the conclusion of this action, including all appeals.

3 IT IS FURTHER STIPULATED that the documents produced pursuant  
4 to the Court's Order No. 3 containing personally identifiable information, or any of  
5 the information contained therein, shall be handled by Plaintiffs' Counsel with the  
6 highest care, including but not limited to the procedures that they would employ to  
7 protect their own personally identifiable information; and the documents produced  
8 shall be stored and secured in a manner designed to prevent access to persons other  
9 than the above listed individuals, and that all such information stored in electronic  
10 form shall be password protected.

11 IT IS FURTHER STIPULATED that neither the above listed Plaintiffs'  
12 Counsel nor counsel for Toyota defendants shall intentionally initiate any  
13 communication with any individual or entity that is identified by personally  
14 identifiable information in the Toyota defendants' production documents pending the  
15 issuance of a further Order of the Court dealing with communications with absent  
16 class members and implementation of data privacy protections;

17 IT IS FURTHER STIPULATED that to the extent that any individual  
18 who is identified in the Toyota defendants' production documents by personally  
19 identifiable information is represented by counsel or is a party to this action entitled In  
20 re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and  
21 Products Liability Litigation, Case No. 8:10ML 02151 JVS (FMOx), Plaintiffs' co-  
22 lead counsel and members of the Personal Injury/Wrongful Death and Economic Loss  
23 Class Action committees, listed above, may communicate with such individuals  
24 through his/her counsel;

25 IT IS FURTHER STIPULATED that this provision is intended to prevent  
26 Plaintiffs' Counsel and co-lead counsel for the Toyota defendants from intentionally  
27 initiating contact with individuals whose name appears in the Toyota defendants'  
28 production documents, which this Court has ordered to be produced on July 2, subject  
to the provisions of the Court's June 1, 2010 Order. This provision is not intended to

1 prevent the Toyota defendants from acting in the normal course of their continuing  
2 business operations, and the prohibition against contact is expressly limited to Toyota  
3 counsel;

4 IT IS FURTHER STIPULATED that this Stipulated Interim Protective  
5 Order Re Personally Identifiable Information is not intended to proscribe inadvertent  
6 contact made without knowledge of the fact that the individual is among those whose  
7 personally identifiable information is included with the Toyota defendants' production  
8 documents, such as where the individual contacts Plaintiffs' Counsel or Toyota  
9 counsel or requests contact with Plaintiffs' Counsel or Toyota counsel, or where the  
10 participation of Toyota counsel is necessary as part of Toyota's continuing business  
11 operations;

12 IT IS FURTHER STIPULATED that to the extent that any individual  
13 who is identified in the Toyota defendants' production documents by personally  
14 identifiable information is a *pro se* party or a witness in a legal proceeding in which a  
15 Toyota-related entity is a party, Plaintiffs' Counsel or counsel for the Toyota  
16 defendants may communicate with such individuals;

17 IT IS FURTHER STIPULATED that this Stipulated Interim Protective  
18 Order Re Personally Identifiable Information does not in any way limit counsel for  
19 Toyota defendants' ability to communicate with authorized Toyota dealers, or Toyota  
20 employees and similar persons who are not exclusively customers of Toyota, even if  
21 any of their personally identifiable information is identified in the Toyota defendants'  
22 production documents; and,

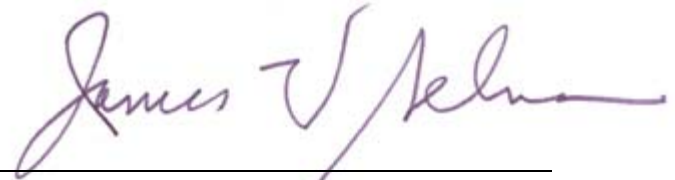
23 IT IS FURTHER STIPULATED that this Stipulated Interim Protective  
24 Order Re Personally Identifiable Information is entered into at this time to facilitate  
25 the production of the Toyota defendants' documents as ordered by this Court in Order  
26 No. 3. IT IS FURTHER STIPULATED that this Stipulated Interim Protective Order  
27 Re Personally Identifiable Information is entered without prejudice to the Toyota  
28 Defendants to argue for redaction and other data privacy protections in the MDL  
going forward, and will remain in effect until such time as (a) it is replaced by another

1 Protective Order of this Court implementing data privacy protections, including but  
2 not limited to protections for personally identifiable information, or (b) as otherwise  
3 agreed upon in writing between the parties through their counsel. Nothing in this  
4 Stipulation shall alter the deadlines for production set by the Court, and any  
5 documents that are confidential but otherwise discoverable and contain personally  
6 identifiable information, shall be produced, subject to this Stipulated Interim  
7 Protective Order Re Personally Identifiable Information, only after entry of a final  
8 protective order in accordance with Order No. 3.

9 **ORDER**

10  
11 IT IS SO ORDERED.

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13 Dated: August 12, 2010

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16 James V. Selna, United States  
17 District Judge  
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Dated: June 30, 2010

Respectfully submitted,

By: \_\_\_\_\_  
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